

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1448

AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-18-45 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 45. Safety First License Plates

Sec. 1. The bureau shall design and issue a safety first license plate. The safety first license plate shall:

- (1) be designed and issued as a special group recognition license plate under IC 9-18-25; and
- (2) replace the emergency medical services license plate issued by the bureau.

Sec. 2. After December 31, 1999, a person who is eligible to register a vehicle under this title is eligible to receive a safety first license plate under this chapter upon doing the following:

- (1) Completing an application for a safety first license plate.
- (2) Paying the fees under section 3 of this chapter.

Sec. 3. (a) The fees for a safety first license plate are as follows:

- (1) The appropriate fee under IC 9-29-5-38(a).

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(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee referred to in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the funds established under IC 10-9-3-1.

SECTION 2. IC 10-4-1-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 29. (a) As used in this section, "eligible entity" means a county, city, or town.

(b) As used in this section, "fund" refers to the state disaster relief fund established by this section.

(c) As used in this section, "public facility" means any:

- (1) building or structure;
- (2) bridge, road, highway, or public way;
- (3) park or recreational facility;
- (4) sanitary sewer system or wastewater treatment facility;
- (5) drainage or flood control facility;
- (6) water treatment, water storage, or water distribution facility; or
- (7) other improvement or infrastructure;

owned by, maintained by, or operated by or on behalf of an eligible entity.

(d) The state disaster relief fund is established to provide money to assist eligible entities in paying for the costs of damage to public facilities resulting from disasters.

(e) The fund consists of money appropriated by the general assembly. The fund shall be administered by the department. Expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund is appropriated to carry out the purposes of the fund as provided in this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Subject to the restrictions under this section, the department may use money in the fund to make grants to an eligible entity that:

- (1) contains territory for which a disaster emergency has been declared by the governor;
- (2) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;



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- (3) has applied to the department for a grant; and
- (4) complies with all other requirements established by the department.

(h) Except as provided in subsection (i), the department may not make a grant to an eligible entity under this section unless the damage to the entity's public facilities caused by the disaster exceeds an amount equal to one dollar (\$1) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed an amount equal to:

- (1) fifty percent (50%); multiplied by
- (2) the result of:
 - (A) the total cost of the damage to the entity's public facilities caused by the disaster; minus
 - (B) an amount equal to one dollar (\$1) multiplied by the population of the entity.

(i) If the governor declares more than one (1) disaster emergency in the same year for territory in an eligible entity, the department may, in addition to a grant under subsection (h), make a grant to the entity under this subsection if the total cumulative cost of the damage to the entity's public facilities caused by the disasters exceeds an amount equal to two dollars (\$2) multiplied by the population of the entity. A grant to an eligible entity under this subsection may not exceed:

- (1) the product of:
 - (A) fifty percent (50%); multiplied by
 - (B) the total cumulative cost of the damage to the entity's public facilities caused by all disasters in the year; minus
- (2) any grants previously made under subsection (h) to the entity during the year.

(j) To qualify for a grant under this section, the executive of an eligible entity must apply to the department on forms provided by the department. The application must include the following:

- (1) A description and estimated cost of the damage caused by the disaster to the entity's public facilities.
- (2) The manner in which the entity intends to use the grant money.
- (3) Any other information required by the department.

(k) The fiscal officer of an entity receiving a grant under this section shall:

- (1) establish a separate account within the entity's general fund; and
- (2) deposit any grant proceeds received under this section in



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the account.

The state board of tax commissioners may not reduce an entity's maximum or actual property tax levy under IC 6-1.1-18.5 on account of grant money deposited in the account.

(l) The department shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 3. IC 10-9 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

ARTICLE 9. EMERGENCY MANAGEMENT, FIRE AND BUILDING SERVICES, AND PUBLIC SAFETY TRAINING FOUNDATION

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the state emergency management agency established under IC 10-8-2-1.

Sec. 3. "Department" refers to the fire and building services department established under IC 22-12-5-1.

Sec. 4. "Executive director" refers to the executive director of the Indiana emergency management, fire and building services, and public safety training foundation established under IC 10-9-2-1.

Sec. 5. "Foundation" refers to the Indiana emergency management, fire and building services, and public safety training foundation established under IC 10-9-2-1.

Sec. 6. "Funds" refers to the funds established under IC 10-9-3-1.

Sec. 7. "Institute" refers to the public safety institute established under IC 5-2-10.5-4.

Sec. 8. "Unit of local government" refers to a:

- (1) county;
- (2) city;
- (3) town; or
- (4) township;

located in Indiana.

Chapter 2. Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation

Sec. 1. The Indiana emergency management, fire and building services, and public safety training foundation is established as a public body corporate and politic.

Sec. 2. (a) The foundation consists of fifteen (15) voting

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members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. The voting members are as follows:

- (1) The executive director, subject to subsection (d).
- (2) The state fire marshal.
- (3) The state building commissioner.
- (4) The deputy director of the state emergency management agency.
- (5) The deputy director of the state emergency management agency for emergency medical services.
- (6) Ten (10) members, each representing a congressional district in the state. Not more than five (5) of the members may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

- (1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (2) Two (2) members, one (1) from each political party, appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) The executive director may vote for tie breaking purposes only.

(e) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

Sec. 3. (a) A quorum consists of eight (8) of the voting members of the foundation described in section 2(b)(2) through 2(b)(6) of this chapter.

(b) One (1) of the following is necessary for the foundation to take action:

- (1) An affirmative vote by at least a majority of the quorum.
- (2) A tie vote broken by the executive director.

Sec. 4. Membership on the foundation does not constitute the holding of a public office. A member may not be disqualified from holding a public office or position because of appointment to or service on the foundation. A member may not be required to forfeit an office, a position, or employment because of appointment to or service on the foundation.

Sec. 5. (a) The term of each member appointed under section 2(b)(6) of this chapter is four (4) years.

(b) A member appointed to fill the unexpired term of a member



serves until the end of the unexpired term.

(c) At the expiration of a member's term, the member may be reappointed if the member continues to be a part of the represented entity. A person is no longer a member when the person ceases to be a part of the represented entity.

Sec. 6. The terms of the members appointed under section 2(b)(6) of this chapter begin on July 1.

Sec. 7. (a) At the foundation's first meeting after June 30 of each year, the voting members appointed under section 2(b)(2) through 2(b)(6) of this chapter shall select:

- (1) one (1) of the voting members who is not a state employee to serve as chairperson; and
- (2) one (1) of the voting members who is not a state employee to serve as vice chairperson.

(b) The vice chairperson shall exercise all the duties and powers of the chairperson in the chairperson's absence or disability.

Sec. 8. (a) The executive director and agency, institute, and department staff designated by the director shall act as advisers to the foundation.

(b) An adviser to the foundation may do the following:

- (1) Attend all meetings of the foundation.
- (2) Participate in all proceedings at foundation meetings other than voting.

Sec. 9. (a) The foundation may acquire personal property to be donated under subsection (b). The foundation may receive donations of real property to be disposed of under subsection (c).

(b) Subject to subsection (d), the foundation may donate personal property to the following:

- (1) The department.
- (2) The institute.
- (3) The agency.
- (4) A unit of local government.

(c) The foundation shall dispose of real property donations in the following manner:

- (1) Real property may be accepted by the foundation for purpose of resale, either on the open market or to the state or a unit of local government at a price set by the foundation.
- (2) The proceeds from the sale of real property shall be donated to a fund that the donor has chosen or, if the donor has not chosen a fund, to a fund to be chosen by the foundation.

(d) The foundation must have the approval of the executive



director to donate property to the state.

Sec. 10. The foundation may do the following:

- (1) Adopt bylaws for the regulation of the foundation's affairs and the conduct of the foundation's business.**
- (2) Adopt an official seal, which may not be the seal of the state.**
- (3) Maintain a principal office and other offices the foundation designates.**
- (4) Sue and be sued in the name and style of "Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation", with service of process being made to the chairperson of the foundation by leaving a copy at the principal office of the foundation or at the residence of the chairperson if the foundation has no principal office.**
- (5) Exercise the powers or perform the following duties of the foundation:**
 - (A) Acquire by any means a right or an interest in or upon personal property of any kind or nature. The foundation shall hold the legal title to property acquired in the name of the foundation.**
 - (B) Dispose of a right or an interest in personal property.**
- (6) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the duties and the execution of the powers of the foundation under this chapter.**
- (7) Assist the agency, department, and institute to develop projects.**
- (8) Receive and accept from any person grants for or in aid of the acquisition, construction, improvement, or development of any part of the projects of the foundation and receive and accept aid or contributions from any source of money, personal property, labor, or other things of value to be held, used, applied, or disposed of only for the purposes consistent with the purposes of this chapter for which the grants and contributions may be made.**
- (9) Hold, use, administer, and expend money that may be acquired by the foundation.**
- (10) Do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.**

Sec. 11. (a) The foundation shall:

- (1) adopt:**

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- (A) rules under IC 4-22-2; or
- (B) a policy;
establishing a code of ethics for its employees; or
- (2) submit to the jurisdiction and rules adopted by the state ethics commission.
- (b) A code of ethics adopted by the foundation by rule or policy under this section must be consistent with state law and approved by the governor.

Chapter 3. Funds

Sec. 1. (a) The following funds are established:

- (1) Emergency management fund.
- (2) Fire and building fund.
- (3) Emergency medical services fund.
- (4) Stewardship fund.

(b) The funds established under subsection (a)(1) through (a)(3) consist of:

- (1) gifts and proceeds received under section 5 of this chapter;
and
- (2) after December 31, 1999, fees from license plates as set forth in IC 10-9-3-6.

(c) After December 31, 1999, the stewardship fund established under subsection (a)(4) consists of fees from license plates as set forth in IC 10-9-3-6.

Sec. 2. (a) The money in the emergency management fund shall be used to pay for projects of the agency.

(b) The money in the fire and building fund shall be used to pay for projects of the department.

(c) The money in the emergency medical services fund shall be used to pay for emergency medical services projects of the agency.

(d) The money in the stewardship fund shall be used to pay for the promotion of safety first license plates under IC 9-18-45.

Sec. 3. Expenditures from the funds may be made only to carry out the purposes of this chapter.

Sec. 4. The foundation shall do the following:

- (1) Hold the funds in the name of the foundation.
- (2) Administer the funds.
- (3) Make all expenditures from the funds.

Sec. 5. Gifts of money to the funds or the foundation or the proceeds from the sale of gifts donated to the funds or the foundation shall be deposited in the designated fund.

Sec. 6. Fees from license plates issued under IC 9-18-45 shall be deposited as follows:

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(1) Thirty percent (30%) of the fees in the emergency management fund.

(2) Thirty percent (30%) of the fees in the fire and building fund.

(3) Thirty percent (30%) of the fees in the emergency medical services fund.

(4) Ten percent (10%) of the fees in the stewardship fund.

Sec. 7. The expenses of administering this chapter shall be paid from money in the funds.

Sec. 8. The money in the funds at the end of a state fiscal year remains in the designated funds and does not revert to any other fund. If the foundation is terminated, the money in the funds shall revert to the emergency management contingency fund established by IC 10-4-1-22.

Sec. 9. The funds are subject to audit by the state board of accounts.

Sec. 10. The foundation is exempt from taxes on real and personal property that the foundation acquires or disposes of or as a consequence of the foundation's transactions.

Sec. 11. Before October 1 of each year, the foundation shall prepare an annual report concerning the foundation's activities for the prior year for the public and the general assembly.

SECTION 4. [EFFECTIVE JULY 1, 1999] (a) Notwithstanding IC 10-9-2-5, as added by this act, the initial terms of the members appointed under IC 10-9-2-2(b)(6) shall be as follows:

(1) One (1) member shall serve a term of one (1) year.

(2) Two (2) members shall serve a term of two (2) years.

(3) Three (3) members shall serve a term of three (3) years.

(4) Four (4) members shall serve a term of four (4) years.

(b) This SECTION expires July 1, 2003.

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